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10/599,147	09/21/2006	Heribert Baldus	2004P00790WOUS	1851
38107	7590	03/29/2012	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS			PEACHES, RANDY	
P. O. Box 3001			ART UNIT	PAPER NUMBER
BRIARCLIFF MANOR, NY 10510			2617	
NOTIFICATION DATE		DELIVERY MODE		
03/29/2012		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/599,147	<b>Applicant(s)</b> BALDUS ET AL.
	<b>Examiner</b> RANDY PEACHES	<b>Art Unit</b> 2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 18 October 2011.

2a) This action is FINAL.      2b) This action is non-final.

3) An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_\_; the restriction requirement and election have been incorporated into this action.

4) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

5) Claim(s) 2-14 and 16-23 is/are pending in the application.

5a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

6) Claim(s) \_\_\_\_\_ is/are allowed.

7) Claim(s) 2-14 and 16-23 is/are rejected.

8) Claim(s) \_\_\_\_\_ is/are objected to.

9) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

10) The specification is objected to by the Examiner.

11) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

12) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)

Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/18/2011 has been entered.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 2-14 and 16-23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Beigel et al. (U.S. Patent Publication Number 2003/0174049 A1) in view of Pillar (U.S. Patent Publication Number 2003/0158635 A1).

Regarding **claims 13 and 16**, Beigel et al. discloses an identification client (100), hereinafter referenced as client, which reads on claim "local wireless device," communicating with a Bluetooth local network (ABSTRACT separate from a medical facility network whereby a tracking method comprises:

- detecting the said client, which is not connected with the medical facility network (10), based on said Bluetooth communication between the local wireless device and at least one nearby master node, which reads on claim "network device," that is connected with the medical facility network. See paragraph [0039]; and
- estimating a location of the local wireless device within the medical facility based on the local wireless communication and information indicative of a location of the at least one nearby network device. See paragraphs [0038 and 0039].

However, Beigel fails to clearly disclose wherein the at least one nearby network device is part of a plurality of wireless network devices wirelessly connected with the medical facility network; the information indicative of the location of the at least one nearby network device is part of information indicative of the locations of the plurality of wireless network devices; repeating the detecting and estimating for a plurality of local wireless devices not connected with the medical facility network (40) to estimate a location for each local wireless device; and combining the estimated locations of the plurality of local wireless devices and the information indicative of the locations of the plurality of wireless network devices to generate an integrated database of device locations.

Pillar discloses a method of displaying information pertaining to a firefighter's location within a building, which reads on claim "medical facility," and the firefighting vehicle relative to the building on fire. But in addition, discloses the use of sensors, which reads on claims "plurality of wireless network devices wirelessly connected with the medical facility network." See paragraph [0211].

The firefighters are provided with a superimposed indication of their current position updated in real time inside the building, which reads on claim "superimposing the estimated location of the local wireless device on a map of at least a portion of the medical facility to provide a visual indication of the estimated location." See paragraph [0211 and 0209]. The information indicative of the location of the at least one nearby network device is part of information indicative of the locations of the plurality of wireless network devices. Pillar also discloses that the information is updated in real time which includes a resource manager menu which displays information regarding levels of consumable resources available as indicated by the sensors 130 and 170. The information is displayed in the form of a chart with the consumable resource levels of each of the fire trucks and firefighters being displayed in the form of amount of time remaining before the consumable resource are completely depleted, which reads on claim "repeating the detecting and estimating for a plurality of local wireless devices not connected with the medical facility network (40) to estimate a location for each local wireless device," in order to provide a real-time visual indication of the firefighter's location. See paragraph [0209-0210].

Therefore, at the time of the invention was made, it would have been obvious to one of ordinary skill in the art to modify the teaching of Beigel, which uses a device and a tracking system within a local facility, i.e. medical facility to identify a user's location, to further include Pillar in order to provide a system capable of estimating location information broadcasted to a fire chief, dispatcher or other responsible party to determine quickly when and where reinforcement resources will be required.

Regarding **claim 14**, Beigel et al. discloses an identification client (100), hereinafter referenced as client, which reads on claim "local wireless device," communicating with a Bluetooth local network (ABSTRACT separate from a medical facility network whereby a tracking method comprises:

- detecting the said client, which is not connected with the medical facility network (10), based on said Bluetooth communication between the local wireless device and at least one nearby master node, which reads on claim "network device," that is connected with the medical facility network. See paragraph [0039]; and
- estimating a location of the local wireless device within the medical facility based on the local wireless communication and information indicative of a location of the at least one nearby network device. See paragraphs [0038 and 0039].

However, Beigel fails to clearly disclose wherein superimposing the estimated location of the local wireless device on a map of at least a portion of the medical facility to provide a visual indication of the estimated location.

Pillar discloses a method of displaying information pertaining to a firefighter's location within a building, which reads on claim "medical facility," and the firefighting vehicle relative to the building on fire.

The firefighters are provided with a superimposed indication of their current position updated in real time inside the building, which reads on claim "superimposing the estimated location of the local wireless device on a map of at least a portion of the

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medical facility to provide a visual indication of the estimated location." See paragraph [0211 and 0209].

Therefore, at the time of the invention was made, it would have been obvious to one of ordinary skill in the art to modify the teaching of Beigel, which uses a device and a tracking system within a local facility, i.e. medical facility to identify a user's location, to further include Pillar in order to provide a superimposed estimated location of firefighters within a facility (building) to easily track and locate the firefighter at all times.

Regarding **claim 2**, as the combination of Beigel and Pillar are made, the combination according to **claim 14**, Beigel continues to disclose:

- determining locations of a plurality of master nodes that are connected with the medical facility network, the plurality of master nodes including the at least one nearby network master node. See paragraph [0039].

Regarding **claims 3 and 17**, as the combination of Beigel and Pillar are made, the combination according to **claims 2 and 16**, Beigel continues to disclose wherein at least some of the plurality of master nodes are wireless network devices wirelessly connected with the medical facility network (10), and

- .the determining includes: estimating locations of the wireless network devices based on wireless network connections (36) between the network devices and the medical facility network. See paragraph [0039, whereby the master nodes can detect the range of the said client (100).

Regarding **claim 4**, as the combination of Beigel and Pillar are made, the combination according to **claim 3**, Beigel continues to disclose wherein the wireless network connection (36) comports with an IEEE 802.11 based wireless protocol. See paragraphs [0006 and 0023].

Regarding **claims 5 and 19**, as the combination of Beigel and Pillar are made, the combination according to **claims 14 and 18**, Beigel continues to disclose wherein the local wireless communication between the said master node and the at least one nearby master node employs at least one of: (i) an IEEE 802.15.1 wireless protocol; and (ii) an 802.15.4 wireless protocol. See paragraph [0022].

Regarding **claim 6**, as the combination of Beigel and Pillar are made, the combination according to **claim 14**, Beigel continues to disclose wherein prior to the detecting, the said client (100) and the said master node establish a local wireless communication connection (55, 58) there between, and the estimating includes:

- estimating the location of the local wireless device (50, 52) as substantially coinciding with the location of the nearby network device (12, 14). See paragraph [0039].

Regarding **claim 7**, as the combination of Beigel and Pillar are made, the combination according to **claim 14**, Beigel continues to disclose wherein the estimating includes:

estimating a distance between the client and the at least one nearby master node based on a strength (Beigel teaches of the range of the patient from the said master node) of a wireless signal employed in the said client. See paragraph [0039].

Regarding **claim 8**, as the combination of Beigel and Pillar are made, the combination according to **claim 14**, Beigel continues to disclose wherein the at least one master node includes a plurality of master nodes [0039] that detect the local wireless device (51), and the estimating includes:

estimating a distance between the said client and each said master nodes based on the local wireless communication. See paragraph [0039]; and

estimating a location of the local wireless device (51) based on the estimated distances and the locations of the nearby network devices (14, 16). See paragraph [0039].

Regarding **claim 9**, as the combination of Beigel and Pillar are made, the combination according to **claim 14**, Beigel continues to disclose wherein the estimating includes: estimating a distance between the local wireless device (50, 51, 52) and the at least one nearby network device (12, 14, 16) based on a maximum communication distance of the local wireless communication (54, 55, 56, 58). See paragraph [0039].

Regarding **claim 10**, as the combination of Beigel and Pillar are made, the combination according to **claim 14**, Beigel continues to disclose wherein the estimating includes:

estimating the location of the client as being within a room of the medical facility containing the nearby said master node. See paragraph [00360039].

Regarding **claim 11**, as the combination of Beigel and Pillar are made, the combination according to **claim 14**, Beigel continues to disclose wherein repeating the detecting; during a subsequent detecting, identifying a change in said client between the said master node and the at least one nearby said master node. See paragraph [0039]; and updating the location of said client within the medical facility based on the change. See paragraph [0039].

Regarding **claim 12**, as the combination of Beigel and Pillar are made, the combination according to **claim 11**, Beigel continues to disclose wherein the change includes one of: loss of local wireless communication between the local wireless device (50, 51, 52) and at least one nearby network device (12, 14, 16) during the subsequent detecting, and pickup of a new local wireless communication between the local wireless device (50, 51, 52) and a network device (18) other than the at least one nearby network device (12, 14, 16) of the initial detecting. See paragraph [0039].

Regarding **claim 18**, as the combination of Beigel and Pillar are made, the combination according to **claim 16**, Beigel continues to disclose wherein local wireless communication hardware installed in or integrated with the client and employing a selected non-network local wireless communication protocol, i.e Bluetooth. See

paragraph [0022; and local non-network wireless communication hardware (66, 68) installed in or integrated with the at least one said client and employing the selected non-network local wireless communication protocol. See paragraph [0022].

Regarding **claim 20**, as the combination of Beigel and Pillar are made, the combination according to **claim 18**, Beigel continues to disclose wherein client software (70) installed on the at least one nearby master nodes that causes the at least one nearby network device to scan for other devices in range that are capable communicating using the selected non-network local communication protocol. See paragraph [0039].

Regarding **claim 21**, as the combination of Beigel and Pillar are made, the combination according to **claim 18**, Beigel fails to clearly disclose a graphical display configured to display a digital map of the medical facility with the estimated location of the local wireless device superimposed thereon.

Pillar discloses a method of displaying information pertaining to a firefighter's location within a building, which reads on claim "medical facility," and the firefighting vehicle relative to the building on fire. But in addition, discloses the use of sensors, which reads on claims " plurality of wireless network devices wirelessly connected with the medical facility network." See paragraph [0211].

The firefighters are provided with a superimposed indication of their current position updated in real time inside the building, which reads on claim " superimposing the estimated location of the local wireless device on a map of at least a portion of the

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medical facility to provide a visual indication of the estimated location." See paragraph [0211 and 0209]. The information indicative of the location of the at least one nearby network device is part of information indicative of the locations of the plurality of wireless network devices. Pillar also discloses that the information is updated in real time, which reads on claim "repeating the detecting and estimating for a plurality of local wireless devices not connected with the medical facility network (40) to estimate a location for each local wireless device," in order to provide a real-time visual indication of the firefighter's location. See paragraph [0209].

Therefore, at the time of the invention was made, it would have been obvious to one of ordinary skill in the art to modify the teaching of Beigel, which uses a device and a tracking system within a local facility, i.e. medical facility to identify a user's location, to further include Pillar in order to provide a visual indication that increases firefighter safety and effectiveness by allowing the firefighters to navigate the building more safely and with greater ease.

Regarding **claim 22**, as the combination of Beigel and Pillar are made, the combination according to **claim 13**, Beigel continues to disclose the local wireless devices (plurality of devices) and at least one nearby master node, which reads on claim "nearby network device," that is connected with the medical facility network. See paragraph [0039].

Regarding **claim 23**, as the combination of Beigel and Pillar are made, the combination according to **claim 21**, Beigel fails to clearly disclose wherein at least some of the

plurality of network devices are wireless network devices wirelessly connected with the medical facility network, and the determining includes: estimating locations of the wireless network devices based on wireless network connections between the network devices and the medical facility network.

Pillar discloses the use of sensors, which reads on claims " plurality of wireless network devices wirelessly connected with the medical facility network." See paragraph [0211]. Pillar further teaches of estimating locations of the wireless network devices based on wireless network connections between the network devices and the medical facility network. (*a resource manager menu which displays information regarding levels of consumable resources available as indicated by the sensors 130 and 170. The information is displayed in the form of a chart with the consumable resource levels of each of the fire trucks and firefighters being displayed in the form of amount of time remaining before the consumable resource are completely depleted.*) See paragraph [0210].

Therefore, at the time of the invention was made, it would have been obvious to one of ordinary skill in the art to modify the teaching of Beigel, which uses a device and a tracking system within a local facility, i.e. medical facility to identify a user's location, to further include Pillar in order to provide an estimated information a fire chief, dispatcher or other responsible party to quickly assess system status and determine when/where reinforcement resources will be required.

#### ***Response to Arguments***

3. Applicant's arguments with respect to **claims 2-14 and 16-23** have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RANDY PEACHES whose telephone number is (571)272-7914. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Randy Peaches/  
Examiner, Art Unit 2617

/Charles N. Appiah/  
Supervisory Patent Examiner, Art Unit 2617